

1 DAVID L. ANDERSON (CABN 149604)  
2 United States Attorney

**FILED**

Jun 17 2020

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA, ) NO. 4:20– cr– 00233– JST  
12 Plaintiff, )  
13 v. ) VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud; 26  
14 FRANCIS ROBERT FRITZKY, ) U.S.C. § 7206(1) – Making and Subscribing a False  
15 Defendant. ) Tax Return; 18 U.S.C. § 2 – Aiding and Abetting;  
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OAKLAND VENUE

I N F O R M A T I O N

20 The United States Attorney charges:

Introductory Allegations

22 At all times relevant to this Information, unless otherwise indicated, and with all dates being  
23 approximate and all date ranges both approximate and inclusive:

24 1. From at least June 2016 through July 2019, FRANCIS ROBERT FRITZKY  
25 (“FRITZKY”) resided in Moraga, California.

26 2. From at least June 23, 2016, to July 24, 2019, FRITZKY was the treasurer of the Moraga  
27 Community Foundation (the “Foundation”) in Moraga, California, and was also a board member on the  
28 Foundation’s board of directors.

INFORMATION



1 himself, the Jeanette Fritzky Foundation, and MedMatRx, LLC. The unauthorized withdrawals  
 2 FRITZKY made from the Foundation's bank accounts included the following:

- 3 a. 48 checks totaling \$205,838.17 payable to MedMatRx, LLC;
- 4 b. Four checks totaling \$14,345.10 payable to FRITZKY directly;
- 5 c. Ten checks totaling \$37,188 payable to the Jeannette Fritzky Foundation.

6 12. MedMatRx, LLC did not provide services to the Foundation.

7 13. As part of his duties as the Foundation's treasurer, FRITZKY was required to submit  
 8 financial and accounting reports to the Foundation's board of directors. On January 9, 2019, to conceal  
 9 his scheme to defraud the Foundation, FRITZKY provided a financial report that listed the beginning  
 10 and ending balances for two of the Foundation's funds as of December 2018. The two funds were  
 11 contained in the Foundation's bank account at Mechanics Bank. FRITZKY represented in the financial  
 12 report that the ending balance for one of the Foundation's funds in December 2018 was more than  
 13 \$108,000 and that the ending balance for the other fund was more than \$37,000. The combined ending  
 14 balances in December 2018 for both funds was actually less than \$2,000.

15 COUNT ONE: (18 U.S.C. §§ 1343, 2 – Wire Fraud and Aiding and Abetting)

16 14. Paragraphs 1 through 13 are incorporated and realleged as if fully set forth here.

17 15. On or about January 9, 2019, in the Northern District of California and elsewhere, the  
 18 defendant,

19 FRANCIS ROBERT FRITZKY,

20 for the purpose of executing the scheme described above, knowingly caused to be transmitted by means  
 21 of wire transmission in interstate commerce the writings, signs, signals, and sounds, specifically, an  
 22 email containing a December 2018 financial report from Fritzky's Microsoft email account through  
 23 interstate wire transmissions to the Foundation's board of directors' Google email account.

24 In violation of Title 18, United States Code, Sections 1343 and 2.

25 COUNT TWO: (26 U.S.C. §§ 7206(1) – Making and Subscribing a False Tax Return)

26 16. Paragraphs 1 through 15 are incorporated and realleged as if fully set forth here.

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17. On November 13, 2018, in the Northern District of California, and elsewhere, the defendant,

FRANCIS ROBERT FRITZKY,

did willfully make and subscribe a Form 990-EZ, Return of Organization Exempt From Income Tax, for the calendar year 2017 (the “2017 tax return”), which was verified by a written declaration that it was made under the penalties of perjury, and which defendant FRITZKY knew was not true and correct as to every material matter. The 2017 tax return, which was prepared, signed, and which FRITZKY caused to be prepared and signed, in the Northern District of California and was filed with the Internal Revenue Service falsely reported on Part II, Line 22, of the 2017 tax return that the Foundation’s “Cash, savings, and investments” at the end of the year was \$111,275, whereas FRITZKY knew and believed the Foundation’s Cash, savings, and investments was less than \$111,275.

In violation of Title 26, United States Code, Section 7206(1).